

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ELIANA EPSTEIN, on behalf of herself
individually and on behalf of all others similarly
situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL
LABS, INC., and LAB CORPORATION OF
AMERICA HOLDINGS,

Defendants.

TONY JOHNSON, individually and on behalf
of all similarly situated persons,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL
LABS, INC., AND LAB CORPORATION
AMERICAN HOLDINGS,

Defendants.

MARIE V. NETROSIO, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC. AND ENZO
CLINICAL LABS, INC.

Defendants.

Case No. 2:23-4282

F I L E D
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 10 2023 ★

LONG ISLAND OFFICE

Case No. 2:23-cv-04291

Case No. 2:23-cv-04303

NINO KHAKHIAVILI, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC. and ENZO
CLINICAL LABS, INC.,

Defendants.

Case No. 2:23-4315

SHANA MCHUGH, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL
LABS, INC., and LAB CORPORATION OF
AMERICA HOLDINGS,

Defendants.

Case No. 2:23-cv-04326

STEVEN GRIFFIN, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., and ENZO
CLINICAL LABS INC.,

Defendants.

Case No. 1:23-4351

MARK GUTHART, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL
LABS, INC., and LAB CORPORATION OF
AMERICA HOLDINGS,

Defendants.

Case No. 2:23-04364

MARJORIE WEINMAN, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC.,

Defendant.

Case No. 1:23-cv-04393

JEFFREY ABRAHAM, on behalf of himself
and all others similarly situated,

Plaintiff

v.

ENZO BIOCHEM, INC.,

Defendant.

Case No. 1:23-cv-04408

DORINDA BYNUM, on behalf of herself and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL LABS, INC. and LAB CORPORATION OF AMERICA HOLDINGS,

Defendants.

Case No. 2:23-cv-04474

MARGO KUPINSKA, on behalf of herself and all others similarly situated,

Case No. 2:23-cv-04503

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL LABS, INC., and LAB CORPORATION OF AMERICA HOLDINGS, INC.

Defendants.

IZZA HAFEEZ SHAH, on behalf of herself and all others similarly situated,

Case No. 2:23-cv-04511

Plaintiff,

v.

ENZO BIOCHEM, INC. and ENZO CLINICAL LABS, INC.

Defendants.

ELYSSA CRIMENI and MARQUIS SIMON,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

ENZO BIOCHEM, INC. and ENZO
CLINICAL LABS, INC.

Defendants.

Case No. 23-cv-04538

MARY ANN MULLANE, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC. and ENZO
BIOCHEM LABS, INC.

Defendants.

Case No. 23-cv-04573

GITA GARFINKEL, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL
LABS, INC. and LAB CORPORATION OF
AMERICAN HOLDINGS,

Defendants.

Case No. 23-cv-04445

KATHRYN MORTENSEN, on behalf of herself and all others similarly situated,

Plaintiff,

v.

ENZO BIOCHEM, INC., ENZO CLINICAL LABS, INC., and LAB CORPORATION OF AMERICA HOLDINGS,

Defendants.

ROBERT PASTORE, EMILY MARTORANO, and GIOMAR REYES, on behalf of themselves and others similarly situated,

Plaintiffs,

v.

ENZO CLINICAL LABS, INC. and ENZO BIOCHEM, INC.

Defendants.

PAULA MAGNANI, on behalf of herself and others similarly situated,

Plaintiff,

v.

ENZO CLINICAL LABS, INC. and ENZO BIOCHEM, INC.

Defendants.

Case No. 2:23-cv-04656

Case No. 2:23-cv-04636

Case No. 2:23-cv-04749

STIPULATION CONCERNING CONSOLIDATION AND TO SET A BRIEFING SCHEDULE REGARDING ADDITIONAL APPLICATIONS FOR APPOINTMENT OF INTERIM LEAD COUNSEL

WHEREAS, on June 9, 2023, the first action against Defendants Enzo Biochem, Inc. and Enzo Clinical Labs, Inc. (collectively, "Enzo Defendants") and Defendant Laboratory Corporation

of America Holdings (“Labcorp”) ¹ arising out of a ransomware incident on Enzo Defendants’ computer network between April 4 and April 6, 2023 (the “Data Incident”) was filed in this Court (*Epstein v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04282 (E.D.N.Y.));

WHEREAS, since the date of that filing, there have been 17 additional cases filed; as of this date, there are 18 cases on file arising out of the Data Incident;

WHEREAS, on June 15, counsel for the first nine actions filed—*Epstein, Johnson, McHugh, Khakhiashvili, Netrosio, Griffin, Guthart, Weinman, and Abraham*—filed a motion to consolidate the related actions. (See *Epstein*, ECF No. 7). Plaintiffs in the *Epstein, Johnson, Khakhiashvili, Netrosio, Griffin, Guthart* and *Abraham* actions (the “*Epstein Group*”) further moved for the appointment of interim lead class counsel (see *Epstein*, ECF No. 7);

WHEREAS, plaintiffs’ counsel in all 17 actions filed to date met and conferred on June 21 via Zoom, and via email thereafter, and agree that consolidation of the above-captioned related actions is warranted;

WHEREAS, during the June 21 meet and confer, counsel for plaintiffs not in the *Epstein* Group stated that they will also be filing applications for the appointment of interim class counsel on behalf of their plaintiffs and the proposed class pursuant to Fed. R. Civ. P. 23(g);

WHEREAS, plaintiffs’ attorneys agreed that any such additional cross-applications for appointment of interim class counsel shall be filed no later than July 10, 2023;

¹ Labcorp states that it is not a proper defendant in this litigation. Labcorp further states: (1) It has entered into an Asset Purchase Agreement with Enzo Biochem, Inc. and Enzo Clinical Labs, Inc. that is expected to close later this year; and (2) Plaintiffs’ allegations stem from a data security incident suffered by Enzo and Enzo and Labcorp further believe that any liabilities arising from the data security incident, litigation, and alleged harms are not—and will not become—Labcorp liabilities. Labcorp therefore takes no position regarding Plaintiffs’ Motion to Consolidate (ECF No. 7) or this Stipulation.

WHEREAS, counsel for plaintiffs have conferred with counsel for Defendants, and they indicated that Defendants support consolidation of the above-captioned actions and take no position on the appointment of interim class counsel;

WHEREAS, plaintiffs in the related cases request that the Court relieve Defendants from responding to the initial complaints filed in the above-captioned actions, and instead set a schedule for the filing of a Consolidated Amended Complaint within forty-five (45) days from the entry of an Order appointing interim class counsel;

NOW, THEREFORE, the undersigned parties, through their attorneys and subject to the Court's approval, stipulate and agree to the following:

1. The following related actions shall be consolidated for all purposes:

- *Epstein v. Enzo Biochem, Inc. et al*, No. 2:23-cv-04282-GRB-AYS (E.D.N.Y.);
- *Johnson v. Enzo Biochem, Inc. et al*, No. 2:23-cv-0491-JMA-LGD (E.D.N.Y.);
- *McHugh et al v. Enzo Biochem, Inc.*, No. 2:23-cv-04326 (E.D.N.Y.);
- *Khakhiashvili v. Enzo Biochem, Inc. et al*, No. 1:23-cv-04315 (E.D.N.Y.);
- *Netrosio v. Enzo Biochem, Inc. et al*, No. 2:23-cv-04303 (E.D.N.Y.);
- *Griffin v. Enzo Biochem, Inc. and Enzo Clinical Labs, Inc.*, No. 1:23-cv-04351 (E.D.N.Y.);
- *Guthart v. Enzo Biochem, Inc., Enzo Clinical Labs, Inc., And Lab Corporation of America Holdings*, No. 2:23-cv-04364 (E.D.N.Y.);
- *Weinman v. Enzo Biochem, Inc.*, No. 1:23-cv-04393 (E.D.N.Y.);
- *Abraham v. Enzo Biochem, Inc.*, No. 1:23-cv-04408 (E.D.N.Y.);
- *Bynum v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-4474 (E.D.N.Y.);
- *Kupinska v. Enzo Biochem, Inc. et al.*, No 2:23-cv-04503 (E.D.N.Y.);
- *Shah v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04511 (E.D.N.Y.);

- *Crimeni v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04538 (E.D.N.Y.);
- *Mullane v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04573 (E.D.N.Y.);
- *Garfinkel v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04445 (E.D.N.Y.);
- *Mortensen v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04656 (E.D.N.Y.);
- *Pastore et al. v. Enzo Biochem, Inc. et al.*, No. 2:23-cv-04636 (E.D.N.Y.); and
- *Magnani v. Enzo Biochem, Inc., et al.*, No. 2:23-cv-04749 (E.D.N.Y.).

The *Epstein* case is designated as the lead case. All papers filed in the Consolidated Action shall be filed under Case No. 2:23-4282 and shall bear the following caption:

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

IN RE ENZO BIOCHEM DATA SECURITY
LITIGATION

Lead Case No.: 2:23-4282

This Document Relates To:

2. All future actions filed in, or transferred to, this District that are related to this Consolidated Action shall be consolidated in the consolidated action, *In re Enzo Biochem Data Security Litig.*, 2:23-4282, upon stipulation of the parties.
3. Any additional motions for the appointment of interim class counsel shall be filed on July 10, 2023.
4. Counsel for plaintiffs and Defendant do not intend to file responses to any motion for appointment of interim class counsel and therefore briefing on the motions to appoint interim class counsel under Fed. R. Civ. P. 23(g) will be complete as of July 10, 2023.

5. Defendants shall be relieved from responding to the initial complaints filed in the above-captioned actions until the Court issues an Order on the appointment of interim lead class counsel.

6. Plaintiffs shall file a Consolidated Amended Complaint within forty-five (45) days from entry of the Order appointing interim lead class counsel.

IT IS SO STIPULATED AND AGREED TO THIS 26 day of June, 2023.

By:

**All pending and future cases
shall remain open until
resolution of lead case.*

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*Counsel for Defendants Enzo Biochem,
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**pro hac vice* application forthcoming

IT IS SO ORDERED:

July 10, 2023

Dated

/s/Gary R. Brown

~~Honorable Anne Y. Shields~~

Honorable Gary R. Brown

CERTIFICATE OF SERVICE

I, Raina C. Borrelli, hereby certify that on June 27, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record via the ECF system.

DATED this 27th day of June, 2023.

TURKE & STRAUSS LLP

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